

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ELKO, INC., d/b/a COACH USA (NV),

Plaintiff,

v.

COREY PETERS, *et al.*,

Defendants.

Case No. 3:22-cv-00015-MMD-CLB

ORDER

Before the Court is Plaintiff Elko, Inc.'s ("Coach Elko") emergency motion for reconsideration of the Court's minute order denying *ex parte* relief (ECF No. 10),¹ emergency motion for an expedited briefing schedule (ECF No. 11), and motion to redact and seal (ECF No. 9) exhibits 1, 2, and 3.

Reconsideration is appropriate if the Court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) (citation omitted). Coach Elko has failed to provide a valid reason for the Court to reconsider its prior decision to deny *ex parte* relief. (ECF No. 8.) In the motion for reconsideration, Coach Elko seems to suggest that irreparable harm will result if the Court were to grant the motions for temporary restraining order and preliminary injunction after the effective termination date of a customer contract (January 17, 2022). (ECF No. 10 at 2, 5.) However, the Court is persuaded that a shortened briefing

¹On January 11, 2022, the Court issued a minute order denying the part of Plaintiff's motions for temporary restraining order and preliminary injunction that requested *ex parte* relief because Plaintiff failed to demonstrate sufficient grounds that such relief is warranted. (ECF Nos. 4, 5, 8.)

1 schedule will remedy this concern. The Court therefore grants Coach Elko's alternative
2 request for an expedited briefing and hearing schedule. (ECF No. 11 at 9.)

3 The Court also finds that Coach Elko offered compelling reasons to support its
4 motion to seal (ECF No. 9), since the need to protect confidential customer information
5 outweighs the need for public access. *See Hologram, USA, Inc. v. Glob. Cash Access,*
6 *Inc.*, Case No. 2:14-cv-00772-GMN-NJK, 2016 WL 5867821 at *2 (D. Nev. Oct. 5, 2016)
7 (granting motion to seal as to documents that contained confidential customer
8 information).

9 It is therefore ordered that Plaintiff's emergency motion for reconsideration is
10 denied. (ECF No. 10.)

11 It is further ordered that Plaintiff's emergency motion for an expedited briefing and
12 hearing schedule is granted. (ECF No. 11.) Based on Plaintiff's representation that
13 Defendants were served with the complaint, summons, and *ex parte* motions on January
14 12, 2022, Defendants will have until and including January 18, 2022, to file their response.
15 (ECF No. 10 at 8.) Plaintiff will have until and including January 20, 2022, to file a reply.
16 The video hearing for the motions is scheduled for January 21, 2022. A separate minute
17 order will be issued to set the hearing.

18 Plaintiff is directed to serve Defendants with a copy of this order and file a notice
19 that it complied with the Court's order to serve Defendants by January 14, 2022.

20 It is further ordered that Plaintiff's motion to seal and redact (ECF No. 9) exhibits
21 1, 2, and 3 is granted.

22 DATED THIS 13th Day of January 2022.

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25 MIRANDA M. DU
26 CHIEF UNITED STATES DISTRICT JUDGE
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